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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/267,506	03/12/1999	ANTHONY J.P. CAREW	062891.0258	7124
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BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER CHANG, JUNGWON	
			ART UNIT 2154	PAPER NUMBER 14
DATE MAILED: 04/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/267,506

Applicant(s)

CAREW ET AL.

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

1. Claims 1-25 are presented for examination.
2. The text of those sections of Title 35, U.S. Code not included in this office action can be found in a prior office action.
3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlosser et al. (US 5,968,122), hereinafter Schlosser, further in view of Wilby et al. (US 5,941,955), hereinafter Wilby.
4. As to claims 1, 9, and 16, Schlosser discloses the invention substantially as claimed, including a method for modeling behavior of elements in a telecommunications network (col. 1, line 61 – col. 2, line 8; col. 3, lines 7-19), comprising:
 - providing a node representing a network element (TABLE 1; figs. 3-4);
 - storing in the node a first service state for the node (TABLE 3; col. 7, lines 15-23);
 - storing in the node a second service state for a first parent node upon which the node is operationally dependent (TABLE 2; col. 5, lines 52-65; col. 8, line 47 – col. 9, line 10);
 - in response to detecting a triggering occurrence (col. 9, lines 6-10).

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5. Schlosser does not specifically disclose dynamically associating a second node with the node; in response to receiving at least one of a new second service state and a new third service state storing in the node a third service state for the second parent node, redetermining at the node the first service state for the node using a state determiner and at least one of the new second service state and the new third service.

6. However, Wilby discloses dynamically associating a second node with the node (81, fig. 8; col. 9, lines 50-53; col. 2, lines 53-58); in response to receiving at least one of a new second service state and a new third service state storing in the node a third service state for the second parent node, redetermining at the node the first service state for the node using a state determiner and at least one of the new second service state and the new third service (col. 9, line 54 – col. 10, line 6; col. 3, lines 39-47).

7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schlosser and Wilby because Wilby's automatically reconfiguring itself in response to failure would improve the reliability by allowing a child node to reconstruct its information for establishing a new connection to another new parent node after failure of old parent node (Wilby, 74, fig. 7; col. 3, lines 39-47; col. 9, lines 21-25 and 46-55).

8. As to claim 2, Schlosser discloses generating the second node in response to a triggering occurrence (col. 9, lines 6-10).

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9. As to claims 3, 4, 10, 11, 17, and 18, Schlosser discloses the network element is a first physical element in the telecommunication network, the first parent node represents a second physical element in the network upon which the first physical element is physically dependent (TABLE 1; col. 6, lines 37-50).

10. As to claims 5, 6, 12, 13 and 19, Schlosser discloses determining any child nodes for the node, the child nodes operationally dependent upon the node (col. 6, lines 37-50).

11. As to claims 8, 15, and 21-25, Schlosser discloses the operation state is a composite state including at least one of a broken state, an in-service state, and a maintenance state for the node (col. 6, lines 60-67).

12. As to claims 7, 14 and 20, they are rejected for the same reasons set forth in claims 1, 9, and 16 above.

13. Applicant's arguments filed 2/4/2004 have been fully considered but they are not persuasive.

14. In the remarks, applicant argued in substance that

(1) Schlosser-Wilby combination suggested by the Examiner fails to disclose, teach or suggest storing in the node a third service state for a second parent node.

(2) Wilby fails to disclose, teach or suggest, in response to receiving at least one of a new second service state and a new third service state, retermining at the node the first service state for the node using a state determiner and at least one of the new second service state and the new third service state.

15. Examiner respectfully traverses applicant's remarks.

As to point (1), Wilby discloses re-establishing a connection between the node (i.e., child node) and second parent node (i.e., new parent node) upon detecting a communication failure between the node (i.e., child node) and the first parent node (i.e., old parent node) (col. 3, lines 39-47; col. 8, lines 33-42; col. 9, lines 21-25). Therefore, it would have obvious to one of ordinary skill in the art that without storing the service state of the second parent node (i.e., new parent node) in the node (i.e., child node) it would not properly configure to establish the new communication connection between the nodes.

As to point (2), Wilby discloses reconfiguring in response to the new service state (i.e., establishing new communication connection, disconnecting the old communication connection) (col. 3, lines 39-47; col. 8, lines 33-42; col. 9, lines 21-25). It would have been obvious to one of ordinary skill in the art that node has to reconfigure its own service state to reflect the node status change (i.e., the service connection is switched from old parent node to new parent node).

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 8:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9669.

Jungwon Chang
April 6, 2004


ZARNI MAUNG
PRIMARY EXAMINER